1951

**File No.** O Negotiable Instrument /51

Legal Deptt

A. BRANCH

**Subject:—**

Opinions under the Negotiable Instrument Act, 1881

P-3

**File No.** O. Negotiable Instrument /51

Gen. 194 e.

660-A

C O N T E N T S .

Legal Department File No. O. Negotiable Instrument /51.


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| | | Opinions under the Negotiable Instrument Act, 1881. | |
| 1). | 683-Confl. 13-7-1951 | Section 58. Recovery of amount from Shri Naik who xxxxxx xxxxxx cashed a check on which Shri Sawant Dy. Accountant of R.H.D. made a forged endorsement . | 1-2. |
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5C.

Legal Department.

Negotiable Instrument Act, 1881 (No. XXVI of 1881) Sec. 58.

If Government has already paid the amount to the proprietor of the Paramount Enginnering Co., Government can call upon Shri Naik to pay the amount and in case of his default, file a suit against him. The proprietor of the Paramount Engineering Co. can also be joined as a co-defendant if the cheque was delivered to the Company and was lost by them or stolen from them.

Id/-
dt/- 12/7/

Additional Secretary to Government.

U.R. to R.H.D. No. 683 --Confl,
dated the 13th July 1951 .

V.v.k. 27/6/56/

5C.

Legal Department.

Negotiable Instruments Acts 1881(No. XXVI of 1881).Section 58.

No holder of a negotiable instrument though he may be a holder in due course, can acquire a title to the instrument through a forged indoresement and the person coming into possession of a Hundi through forged indorsements will have to pay the proceeds,, of the Hundi to the true owner (see Thorappav. Umedmalji 25 B.L.R. 604). Consequently Shri Naik to whom the cheque was tàans-ferred by a forged indorsement and who got it cashed through his Bank will have px to pay the amount of the cheque to the true owner, Proprietor Paramount Engineering Co. and the payment made by him to Shri V.B.Sawant, though proved , ould not discharge him from his liability to pay the Proproetor, Paramount Engineering Co.

Id/-

Additional Secretary to Government.

U.R. to R.H.D. No. 575-Confl.

dated the 19th June 1961.

V.v.k. 27/6/56/

5C.